

REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action of January 6, 2009, in which the Examiner (1) rejected claims 1, 3-4, 7, 13-14 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,143,428 to Bruck et al. ("**Bruck**") in view of U.S. Patent No. 6,754,904 B1 to Cooper et al. ("**Cooper**"); and (2) rejected claims 9-10, 12 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Bruck and Cooper in view of U.S. Patent No. 6,757,365 B1 to Bogard ("**Bogard**").

By the present Amendment, claims 1, 3, 4, 9, 10, and 12-14 have been amended, claims 7 and 19 have been cancelled, and claims 21 and 22 have been added.

Claims 3, 4, 9, 10, and 12-14 have been amended to correct minor clerical errors.

Claim 1 has been amended to recite additional limitations pertaining to the IM server (see Specification, paragraph 0058), to recite that the survey server generates "reports on the tracked programming activity" (see Specification, paragraph 0060), and to recite subject matter previously recited in claim 19 wherein "personal profile information for the users is entered at a profile screen... so that programming activity being tracked at the survey server can be associated with demographic information of the users collected from the personal profile information."

The Examiner now cites **Cooper** for its disclosure, among other things, of "buddy lists that display the show that user is viewing so that programming activity by multiple users viewing television programs ... can be tracked on a real time basis" (see page 4 of the Examiner's Remarks). However, **Cooper** and the other cited references do not disclose a "separate survey server" for tracking programming activity, do not disclose "the survey server generating reports on the tracked programming activity," and do not disclose associating "demographic information of the users collected from the personal profile information," as all now recited in claim 1.

Dependent claims 3, 4, 9, 10, 12-14, 17, 18, 21 and 22 each recite limitations in addition to those of parent claim 1 and are thus believed allowable for at least the same reasons.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Stephen F. Jewett/
Stephen F. Jewett
Reg. No. 27,565

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
SFJ:s5s
61810544 v1